

PROB 12C  
(7/93)

Report Date: October 27, 2010

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

OCT 28 2010

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Ismael Flores-Bartolo

Case Number: 2:09CR00169-001 WFN

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 03/08/2010

Original Offense: Alien in United States After Deportation, 8 U.S.C. § 1326(b)(2)

Original Sentence: Prison - 10 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Pamela J. Byerly

Date Supervision Commenced: September 13, 2010

Defense Attorney: Kimberly A. Deater

Date Supervision Expires: September 12, 2013

## PETITIONING THE COURT

## To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

1 &amp; 2

**Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.**Special Condition #14:** You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.**Supporting Evidence:** Mr. Flores-Bartolo is considered to be in violation of his conditions of supervised release as he committed another Federal crime by returning to the United States without advance legal permission on or about October 7, 2010.

According to a criminal complaint dated October 12, 2010, signed by the Honorable Barbara Lynn Major, U.S. Magistrate Judge for the Southern District of California, on or about October 7, 2010, the defendant, Ismael Flores-Bartolo, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, within the Southern District of California, without having obtained permission from the Attorney General of the United States or his designated successor, the Secretary of the

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Department of Homeland Security, having expressly consented to the defendant's re-application for admission into the United States, in violation of 8 U.S.C. § 1326.

In an attached affidavit of probable cause, On October 7, 2010, a U.S. Border Patrol agent was performing assigned duties at the U.S. Border Patrol I-8 Westbound Checkpoint in Pine Valley, California. Mr. Flores-Bartolo was discovered in the trunk of a vehicle that was inspected at the checkpoint. He was located with two other individuals, concealed in the trunk. He admitted to being a citizen of Mexico without proper documents to enter or remain legally in the United States. He further indicated that he paid the driver \$4,000 to be smuggled to Los Angeles, California.

Official immigration records of the Department of Homeland Security indicate Mr. Flores-Bartolo was deported to Mexico on September 13, 2010, through San Ysidro, California.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/27/2010

s/Matthew L. Thompson

Matthew L. Thompson  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

  
Signature of Judicial Officer

Oct 28 2010  
Date